Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules	)	MM Docket No. 98-93

To: The Commission

REPLY COMMENTS

Thunderbolt Broadcasting Company,[1/] pursuant to the Notice of Proposed Rule Making and Order, FCC 98-117, MM Docket No. 98-93, released June 15, 1998, concerning the streamlining of radio technical rules in Parts 73 and 74 of the Commission's rules, hereby submits its reply comments in further support of the Commission's proposal to create an additional intermediate class of FM stations, to be designated Class C0, for FM stations that operate at an antenna height above average terrain (HAAT) of greater than 299 meters but less than 450 meters.[2/] In support thereof, the following is submitted:

1. On October 20, 1998, Heritage Communications, Inc. ("Heritage") submitted its comments in this proceeding opposing the Commission's adoption of the Class C0 classification for FM stations. Should the Commission go forward with the creation of

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[1/] Thunderbolt Broadcasting Company is the licensee of WCMT(AM)/WCMT-FM, Martin, Tennessee and WCDZ(FM), Dresden, Tennessee.

[2/] By an Order, DA 98-2302, MM Docket No. 98-93, released on November 13, 1998, the Commission extended the time for filing reply comments in this proceeding to December 4, 1998. Accordingly, these reply comments are timely filed.

Class C0 stations, however, Heritage proposes that the minimum HAAT be 400 meters. Heritage argues that the minimum height of 400 meters "better reflects the statistical distribution of the heights of Class C antennas than does 450 meters," citing that the median antenna heights of existing Class C stations is closer to 400 meters than 450 meters. Heritage's analysis, however, is flawed.

2. The Commission's proposal to create the Class C0 classification is based on its determination that a significant number (60%) of existing Class C stations (519 of 863 Class C stations) currently operate with facilities more than 150 meters below the maximum antenna height limitation of 600 meters HAAT. See Section 73.211(b) of the Commission's rules. Because the Commission's separation requirements are based upon the assumption that each of these Class C stations are, or will be, operating at the maximum power and antenna height for Class C stations, the Commission further determined that these 519 Class C stations were overly protected and therefore may unnecessarily preclude the institution of new or expanded service(s) by other stations in contravention of the public interest. In order to alleviate this problem of overprotection and preclusion, the Commission now proposes to create an intermediate class of station between Class C and Class C1, to be designated Class C0, for those existing Class C stations that operate at below 450 meters HAAT.

3. The Commission choice of 450 meters, one-half of the existing maximum height of 600 meters, as the minimum HAAT for

Class C stations was not arbitrary, contrary to Heritage's assertions in its Comments.[3/] The Commission is not seeking to evenly split existing Class C stations into two classes. The Commission is trying to alleviate the current overprotection of 519 existing Class C stations that are not operating at, or close to, the maximum facilities allowed for Class C stations thereby prohibiting new and/or expanded services. Therefore, Heritage's assertion that the minimum HAAT of 400 meters for Class C stations makes more sense because this more evenly splits existing Class C stations is completely nonsensical. As Heritage itself acknowledges, the use of 400 meters as the minimum HAAT for Class C stations will allow an additional 76 stations to continue to be overprotected as Class C stations, when they are all operating with more than 150 meters below the maximum antenna height limitation for Class C stations. This wholly contravenes the Commission's efforts to increase the efficiency of the FM broadcast band by alleviating the preclusive effect that overprotection of 519 existing Class C stations have on the institution of new and/or expanded service.

[3/] In adopting the current minimum antenna height requirement Class C stations of 300 meters HAAT, the Commission chose one-half of the maximum antenna height limitation for Class C stations of 600 meters. See Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, BC Docket 80-90, 94 FCC 2d 152, at para 88-89 (1983), modified, 97 FCC 2d 279 (1984). The Commission also rejected some commenters assertions that choosing one-half of the maximum height as the minimum height was arbitrary. Id.

4. Accordingly, the Commission should create the proposed Class C0 classification and adopt 450 meters as the minimum antenna height above average terrain for Class C stations.

Respectfully submitted,

THUNDERBOLT BROADCASTING COMPANY

By: Paul F. Tinkle
President

December 4, 1998

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CERTIFICATE OF SERVICE

I, Lisa Skoritoski, do hereby certify that true copies of the foregoing "Reply Comments" were sent this 4th day of December, 1998 by U.S. first class mail, postage prepaid, to the following:

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